



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
NORTHERN SECTION
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

November 2, 2005

Regulatory Branch
200501944

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200501944

Applicant: Georgia Department of Transportation
Office of Environment/Location
Attention: Mr. Harvey D. Keepler
3993 Aviation Circle
Atlanta, Georgia 30336-1593

Location of Proposed Work: The project corridor is located from approximately 0.5 mile south of the Town of Taylorsville, starting at latitude 34° 04' 33" north and longitude 84° 59' 08" west, in Polk County, following State Route 113, and ending at the intersection of State Route 61, at latitude 34° 07' 48" north and longitude 84° 50' 57" west, in Bartow County.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: A Joint Public Notice was previously published under Department of the Army permit no. 200111910, on January 22, 2003, for this project with impacts to 3.39 acres of wetlands (19.8 wetland credits) and 2,100 linear feet of streams (6,026.5 stream credits). The applicant, Georgia Department of Transportation (GDOT), withdrew their request for a permit on October 20, 2003, because of the presence of the federally listed endangered species, the Cherokee darter, *Etheostoma scottii*, in the project area.

GDOT proposes to widen and reconstruct the existing State Route (SR) 113 from south of the Town of Taylorsville, Polk County, to its intersection with SR 61 near the Cartersville Airport, Bartow County, Georgia. The project length is approximately 15.9 miles. The existing rural two-lane road would become four 12-foot travel lanes divided by a 44-foot wide grass median. Structurally deficient bridges would be replaced over Hills Creek, Dry Creek, Raccoon Creek, and Richland Creek.

The proposed road project will impact approximately 3.39 acres of wetlands (19.8 wetland credits) and 2,100 linear feet of streams (9,982.5 stream credits). A new draft "Standard Operating Procedure, Compensatory Mitigation, Wetlands, Openwater and Streams," was published in March 2004, which has increased the amount of stream mitigation. The applicant is proposing to mitigate for these unavoidable impacts by debiting 19.8 wetland credits from their Prater Island Mitigation Bank, Whitfield County, and the purchase of 9,982.5 stream credits from a US Army Corps of Engineers approved commercial mitigation bank that services the project area. The applicant states that on February 22, 2002 and August 1, 2002, they purchased 6,315.5 stream credits from the Etowah River Stream Mitigation Bank, Forsyth County, for this project. They are proposing to purchase the remaining 3,667 stream credits from a commercial mitigation bank that services the project area.

Prior to the approval of the purchase of mitigation credits from a commercial mitigation bank as compensatory mitigation, an applicant must demonstrate through documentation to the US Army Corps of Engineers that the option of on-site and within nearby basin mitigation has been thoroughly investigated, with no potential sites located.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Preservation Division Act of 1966, as amended, we request from the Georgia Historic Preservation Division (Georgia HPD) or any other interested party information on whether any cultural resources that are listed or proposed for listing may be present in the area. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

On March 16, 1995, Georgia HPD signed a Memorandum of Agreement (MOA) with the Federal Highway Administration to (1) record the setting of the Jackson-Cagle House, (2) develop a landscape plan to screen the Jackson-Cagle House from the roadway, and (3) once construction of the road is completed, to replant a row of evergreen shrubs at the Henderson House, within the Etowah Valley National Register District (file no. HP910916-001). On October 18, 2000, the Georgia HPD determined that the proposed landscape plan for the Jackson-Cagle House satisfied stipulation no. 3 of the MOA. By Interdepartment Correspondence dated February 20, 2001, GDOT stated that Georgia HPD had cleared stipulation no. 1 of the MOA, and that they would complete stipulation no. 3 during construction per the construction contract.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service (USFWS), and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

By letter dated September 9, 2003, under Department of the Army permit no. 20011910, the US Army Corps of Engineers initiated formal consultation under Section 7 with the USFWS concerning the presence of Cherokee darters within the project area. By letter dated October 8, 2002, the applicant initiated informal consultation under Section 7 with the USFWS concerning the presence of the Cherokee darter. Based on several field surveys, the applicant has determined that the proposed project would have no adverse effect on the gray bat, bald eagle, Tennessee yellow-eyed grass, cylindrical lioplax, upland combshell mussel, fine-lined pocketbook mussel, Alabama moccasinshell mussel, Southern clubshell mussel, ovate clubshell mussel, triangular kidneyshell mussel, and Tennessee heelsplitter but may effect the Cherokee darter.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of

important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

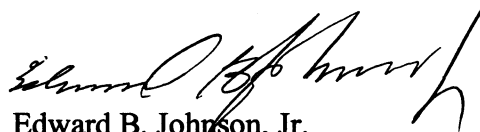
Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (Georgia Department of Transportation) and the application number (200501944) in your comments.

If you have any further questions concerning this matter, please contact Ms. Mary Dills of the Regulatory Branch at (678) 422-2727.



Edward B. Johnson, Jr.
Chief, Northern Section

6 Enclosures

1. Project Location Map
2. Wetland & Stream Location Map, Figure 2a
3. Wetland & Stream Location Map, Figure 2b
4. Wetland & Stream Location Map, Figure 2c
5. SR 113 Improvements Cross-Section
6. Table 3: Adverse Impact Factors for Streams